

REMARKS

Claims 1-24 are pending in this application. Reconsideration and allowance of claims 1-24 are respectfully requested.

Examiner Interview

Applicants note with appreciation that on March 9, 2010 the Examiner participated in a telephonic interview with Applicants' representative. The rejection of claims 1-24 under §103 were discussed. Applicants' representative discussed differences between the limitations of claim 1 and the cited art. The Examiner suggested amending claim 1 to further clarify the meaning of the recited terms in order to advance prosecution. No agreements were reached.

Rejections under 35 U.S.C. §101

The Examiner rejects claims 1-24 under 35 U.S.C. §101 as not being directed to statutory subject matter in light of *Bilski*. Applicants respectfully traverse this rejection.

The Examiner asserts claims 1 and 24 are not tied to a particular machine and do not perform a transformation. The Examiner asserts that the mere recitation of the machine in the preamble with an absence of the machine in the body fails to make a claim statutory under §101.

Applicants respectfully submit, the body claim 1 recites: "deriving, **at a network element**, a value of a first cryptosync for the communication session" (emphasis added). As a non-limiting example of the **network element** recited in claim 1, Applicants respectfully direct the Examiner attention to the mobile stations and

base stations discussed paragraph [0013] of Applicants' original disclosure. Accordingly, Applicants respectfully submit claim 1 is tied to a particular machine, the network element, which is recited within the body of claim 1. Claim 24 includes a similar recitation of the network element. Accordingly, Applicants respectfully submit claims 1 and 24 are tied to a particular machine, and thus, satisfy the machine prong of the Bilski test. Consequently, Applicants respectfully submit claims 1 and 24 are directed to statutory subject matter as defined by 35 U.S.C. §101.

Therefore, Applicants respectfully request the rejection of claims 1-24 under 35 U.S.C. §101 be withdrawn.

Rejections under 35 U.S.C. §103 – Wenocur in view of Sunder

Claims 1 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0196935 ("Wenocur") in view of U.S. Patent Publication 2003/0188160 ("Sunder"). This rejection is respectfully traversed.

Claim 1 has been amended and now recites: "deriving, at a network element, a value of a first cryptosync for the communication session based on a value of a second cryptosync, the first cryptosync having a life limited to the communication session, the communication session being defined as a period of time a channel for communication exists between the two communication devices, the second cryptosync having a life extending over multiple communication sessions". Applicants respectfully submit the combination of Wenocur and Sunder fails to teach this limitation.

The Examiner admits Wenocur fails to teach “based on a value of a second cryptosync, the second cryptosync having a life extending over multiple communication sessions” as claim 1 recites. The Examiner asserts paragraph [0194] of Sunder teaches the aforementioned limitation. Applicants disagree.

Applicants note, paragraphs [0194]-[0201] of Sunder teach a key updating process in a system which utilizes public/private key encryption. However, the Examiner has not identified anything in Sunder corresponding to a second cryptosync, where a first cryptosync is derived **based off the second cryptosync** as the limitations of claim 1 require.

Further, the Examiner has not identified what the Examiner considers as corresponding to the communication session recited in claim 1. Accordingly, even if, *for the sake of argument*, Sunder teaches that a first key is derived based off a second cryptosync as claim 1 recites, Sunder still fails to teach a second cryptosync having a life extending over **multiple communication sessions**. To the contrary, in contrast with the subject matter of the present invention, Sunder does not appear to teach any connection between the lifetime of the public and/or private keys discussed in Sunder and a communication session. Consequently, Applicants respectfully submit Sunder fails to teach “deriving, at a network element, a value of a first cryptosync for the communication session based on a value of a second cryptosync, the first cryptosync having a life limited to the communication session, the communication session being defined as a period of time a channel for communication exists between the two communication devices, **the second cryptosync having a life extending over multiple communication sessions**” (emphasis added). Accordingly, the combination

of Wenocur and Sunder fails to teach each of the limitations of claim 1, and thus, the Examiner has not established a *prima facie* case of obviousness with respect to claim 1, or any claims depending from claim 1, as is required to support a rejection under §103.

Further, claim 24 contains limitations similar to those discussed above with reference to claim 1. Accordingly, for at least the reasons discussed above with reference to claim 1, Applicants respectfully submit the Examiner has not established a *prima facie* case of obviousness with respect to claim 1, or any claims depending from claim 1, as is required to support a rejection under §103.

Therefore, Applicants respectfully request the rejection of claims 1 and 24 under 35 U.S.C. §103(a) be withdrawn.

Rejections under 35 U.S.C. §103 – Wenocur in view of Sunder and Rezaifar et al.

Claims 2-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wenocur and Sunder in view of U.S. Patent 6,980,658 ("Rezaifar"). Applicants respectfully traverse this rejection.

Applicants respectfully submit the deficiencies of Wenocur and Sunder are discussed above and are relevant here because claims 2-23 depend from claim 1. Rezaifar fails to remedy these deficiencies. Accordingly, none of Wenocur, Sunder and Rezaifar, alone or in combination, teach each of the limitations any of claims 2-23. Accordingly, a *prima facie* case of obviousness has not been established with respect to any of claims 2-23 as is required to support a rejection under §103.

Therefore, Applicants respectfully request the rejection of claims 2-23 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 CFR §§ 1.17 and 1.136(a), Applicants petition for a one (1) month extension of time for filing a reply to the October 28, 2009 Office Action, and submit the required \$130 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
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By



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